

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

UNITED STATES OF AMERICA,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Criminal Action No. 08-37-JJF
	:	
IRA BLAND,	:	
	:	
Defendant.	:	

**DEFENDANT BLAND'S MOTION TO SUPPRESS ALL EVIDENCE
OBTAINED AS A RESULT OF HIS UNLAWFUL STOP AND FRISK**

Defendant, Ira Bland, by and through his counsel, Christopher S. Koyste, hereby moves the Court, pursuant to Federal Rule of Criminal Procedure 12 (b) and the Fourth and Fourteenth Amendments to the United States Constitution, to suppress as evidence against him all evidence that resulted from the February 9, 2008 stop and frisk of his person in that the warrantless stop and frisk lacked the proper legal foundation in violation of the Fourth Amendment and Fourteenth Amendments.

In support of this motion Mr. Bland submits the following:

I. FACTUAL SUMMARY¹.

1. On February 9th, 2008 at 2:45 p.m. Wilmington police officers were directed to the 1200 block of East 12th Street, Wilmington, Delaware, in response to a telephone call apparently by an anonymous source. The caller indicated that the suspect was involved in a shooting incident in December 2007 and that he was wearing a yellow jacket and black jeans.

¹ The following factual summary is based upon discovery provided to the Defense. Thus, the Defense does not necessarily agree with these facts nor submit that these facts will be established at an evidentiary hearing.

2. Wilmington Police arrived at the subject location and saw Mr. Bland. Mr. Bland was sitting in an automobile and was approached by officer DeBonaventura who asked Mr. Bland to step out of the automobile and to place his hands on the vehicle. At the early stages of the frisk Officer DeBonaventura asked Mr. Bland if he had anything on him that could hurt him, to which Mr. Bland replied that he had a gun which was located on his left hip inside the waistband of his pants.

**II. MOTION TO SUPPRESS EVIDENCE OBTAINED BY
AN ILLEGAL STOP AND FRISK.**

3. Mr. Bland was ordered out of his vehicle and additionally ordered to place his hands on the hood of his vehicle. Both of these actions must meet the requirements of a Terry stop and a Terry frisk. Terry v. Ohio, 392 U.S. 1, 10 (1967). The Defense asserts that there was not a reasonable suspicion that criminal activity may have been afoot (Terry stop), and furthermore, that there was not a basis to reasonably believe that Mr. Bland may have been armed (Terry frisk).

4. Mr. Bland asserts that all evidence obtained as a result of Officer DeBonaventura's unconstitutional actions must be suppressed as a fruit of the poisonous tree. Wong Sun v. United States, 371 U.S. 471 (1963).

WHEREFORE, Mr. Bland requests this Court to hold an evidentiary hearing so as to allow relevant facts to be developed concerning the issues raised in this motion. Thereafter, Mr. Bland requests this Court to issue an order suppressing all evidence that was obtained as a result of the illegal stop and frisk.

Respectfully submitted,

/s/ Christopher S. Koyste
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DATED: July 8, 2008

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CERTIFICATE OF SERVICE

Undersigned Counsel certifies that the attached filing of Mr. Bland is available for public viewing and downloading and was electronically delivered on July 8, 2008 to:

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